

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SY BEST,**

**Plaintiff,**

**- against -**

**THE CITY OF NEW YORK, et al.,**

**Defendants.**

**OPINION AND ORDER**

**04 Civ. 10114 (BSJ) (RLE)**

**RONALD L. ELLIS, United States Magistrate Judge:**

**I. INTRODUCTION**

Plaintiff, Sy Best, commenced this action against the City of New York (the “City”) and other defendants on December 22, 2004. Pending before the Court is Best’s application to proceed *in forma pauperis*. For the reasons which follow, Best’s application to proceed *in forma pauperis* is **GRANTED**.

**II. DISCUSSION**

Under 28 U.S.C. § 1915, “any court . . . may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” Best’s application to proceed *in forma pauperis* indicates that he is currently incarcerated and unemployed. The Court finds that Best’s application establishes his inability to pay for the prosecution of his case. Therefore, his application to proceed *in forma pauperis* is **GRANTED**.



### III. CONCLUSION

Best's application to proceed *in forma pauperis* is **GRANTED**.

**SO ORDERED** this 26th day of June 2006  
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

**The Honorable Ronald L. Ellis**  
**United States Magistrate Judge**